

two grounds, viz., that the letters of administration did not, on their revocation, become void *ab initio*, but, on the contrary, were valid and effectual for all purposes until revoked, and *Graysbrook v. Fox*, 1 Plowd 275, and *Abram v. Cunningham*, 2 Lev. 182, and *Ellis v. Ellis* (1905), 1 Ch. 613, were declared to be no longer law—and secondly, because the grant of administration was an order of the Court and under s. 70 of the Conveyancing & Property Act (see R.S.O. c. 109, s. 56), a *bona fide* purchaser acquiring a title under it was protected.

NUISANCE—GASWORKS—DISCHARGE OF NOXIOUS FUMES—DAMAGE TO TREES ON ADJOINING PROPERTY—INJUNCTION—DAMAGES.

*Wood v. Conway* (1914) 2 Ch. 47. The plaintiff in this case was the owner of premises adjoining the defendants' gas works, the fumes and smoke from which were carried for a distance of 100 to 200 yards by prevailing winds across a plantation of trees on the plaintiffs' premises, and had destroyed some, and injuriously affected others. There was no house on the plaintiffs' property within the affected area. The plaintiff claimed an injunction to restrain the defendants from carrying on their works so as to cause a nuisance or injury to the plaintiff or his property. Joyce, J., who tried the action, granted the injunction as prayed, and the Court of Appeal (Cozens-Hardy, M.R., and Buckley, L.J., and Channell, J.) affirmed his judgment, holding that, as the injury was of a continuous nature, it was not possible to measure the damages occasioned thereby with any certainty, and therefore it was a case for an injunction and not for damages.

WILL—CONSTRUCTION—WORDS OF FUTURITY—GIFT TO CHILDREN OF CHILD OF TESTATOR "WHO SHALL DIE IN MY LIFETIME"—CHILD DEAD AT DATE OF WILL LEAVING CHILDREN.

*In re Williams Metcalf v. Williams* (1914) 2 Ch. 61. This was an appeal from the judgment of Sargant, J., (1914) 1 Ch. 219, and the Court of Appeal (Cozens-Hardy, M.R., and Buckley, L.J., and Channell, J.) have affirmed his decision. The short point being whether the children of a child who was dead at the date of a will could take under a disposition in favour of the children of any child "who shall die" in the testator's lifetime. The result of the case is an affirmative answer.